

The report was adopted.
(Senator Woodward in the chair.)
(The President in the chair.)
The following message was received from the House:

HOUSE OF REPRESENTATIVES,
AUSTIN, February 15, 1889.

Hon. T. B. Wheeler, President of the Senate:

SIR—I am directed to inform the Senate that the House has refused to concur in the Senate amendment to House bill No. 439, a bill to be entitled "An act to authorize the Governor to extend further time to the Capitol Furnishing Board, expert and engineer, provided for by an act of the special session of the Twentieth Legislature, approved May 17, 1888," and asks for a conference committee.

W. M. IMBODEN,
Chief Clerk House of Representatives.

Senator Claiborne made a motion that the Senate recede from its amendment on the bill just reported from the House.

Lost.

Senator Lane moved to insist on the Senate amendment.

Adopted.

The President appointed on part of the Senate, on the free conference committee,

Senators Lane, McDonald and Simkins.

By request of Senator McDonald he was relieved from the committee.

The President appointed Senator Field in lieu of Senator McDonald, relieved.

The bill was referred to the free conference committee.

On motion of Senator Pope,

The Senate adjourned until 10 o'clock to-morrow morning.

THIRTY-THIRD DAY.

SENATE CHAMBER,
AUSTIN, February 15, 1889.

Senate met pursuant to adjournment.

Lieutenant-Governor Wheeler in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain, Dr. Smoot.

On motion of Senator Kimbrough,
The reading of the Journal of yesterday was dispensed with.

On motion of Senator Armistead,
Senator McDonald was excused until next Monday, on account of important business.

PETITIONS AND MEMORIALS.

By Senator Tyler:

Petition of the citizens of Rogers, in Bell County, Texas, asking the repeal of occupation tax laws.

Referred to Committee on Finance.

REPORTS OF STANDING COMMITTEES.

By Senator Armistead:

COMMITTEE ROOM,
AUSTIN, February 15, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 110, entitled "An act providing that money lenders in loaning money shall lend a sum not less than the amount named on the face of the note and affixing the pains and penalties therefor,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do not pass.

All of which is respectfully submitted.

ARMISTEAD,
Acting Chairman.

Bill read first time.

Senator Frank gave notice of his intention to file a minority report on this bill.

COMMITTEE ROOM,
AUSTIN, February 15, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

Substitute House bills Nos. 22 and 187, entitled "An act to amend article 2979, title 54, of the Revised Civil Statutes of the State of Texas,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do not pass.

All of which is respectfully submitted.

ARMISTEAD,
Acting Chairman.

Bill read first time.

Senator Frank gave notice of his intention to file a minority report on this bill.

COMMITTEE ROOM,
AUSTIN, February 15, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 248, entitled "An act to provide for appeals in certain cases from the action of the commissioners' courts sitting as a board of equalization,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

ARMISTEAD,
Acting Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, February 15, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

House bill No. 194, entitled "An act to amend sections 2 and 6 of chapter 131 of an act to provide for the appointment of receivers and to define their powers and duties and to regulate proceedings under such appointment of receivers, as passed by the Twentieth Legislature and approved April 2, 1887,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass, with the following amendments:

Strike out last five lines of section 2, beginning at and including "provided," through to the end of the section.

Amend section 6 by adding thereto the following:

That from and after the passage of this act in any case in which any receiver is sued in any of the courts of this State, and such receiver desires to take an appeal from any judgment which may be rendered against him in any justice or county court, or to take an appeal or writ of error from any judgment which may be rendered against him in any district court, before such appeal or writ of error shall be perfected or allowed, such receiver shall enter into bond with two or more good and sufficient sureties, to be approved by the clerk of the court or justice of the peace, payable to the appellee or the defendant in error, in a sum at least double the amount of the

judgment, interest and cost, conditioned that such receiver shall prosecute his appeal or writ of error with effect, and in case the judgment of the court to which such appeal or writ of error be taken shall be against him that he perform its judgment, sentence or decree, and pay all such damages and costs as said court may award against him.

In the event that the judgment of the court to which such appeal or error is taken shall be against such receiver, judgment shall at the same time be entered against the sureties on his said bond, and execution thereon may issue against such sureties within twenty days after the rendition of such judgment.

All of which is respectfully submitted.

ARMISTEAD,
Acting Chairman.

Bill read first time.

By Senator Harrison:

COMMITTEE ROOM,
AUSTIN, February 15, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Agricultural Affairs, to whom was referred

Senate bill No. 243, entitled "An act to repeal sections five (5) and six (6) of an act to create a bureau of agriculture for the State of Texas, and to add it to the department of Insurance, Statistics and History; to properly designate said department and its head; to prescribe the duties belonging to it relating to agriculture, approved April 1, 1887,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do not pass.

All of which is respectfully submitted.

HARRISON,
Chairman.

Bill read first time.

By Senator Abercrombie:

COMMITTEE ROOM,
AUSTIN, February 15, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 223, entitled "An act to amend article 677, of the Code of Criminal Procedure, of the State of Texas, in such manner as to require

the court, in all criminal causes, to submit his charge to the jury before the argument of counsel begins on the facts of the case."

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

ABERCROMBIE,
Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, February 15, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 270, entitled "An act to repeal an act entitled an act to create a Bureau of Agriculture for the State of Texas, and to add to it the Department of Insurance, Statistics and History; to properly designate said department and its head, and to prescribe the duties belonging to it relating to agriculture, passed by the Twentieth Legislature, and approved April 1, 1887,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do not pass.

All of which is respectfully submitted.

ABERCROMBIE,
Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, February 15, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 228, entitled "An act to perpetuate testimony in criminal prosecutions in the same manner as in civil actions,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do not pass.

All of which is respectfully submitted.

ABERCROMBIE,
Chairman.

Bill read first time.

By Senator Seale:

COMMITTEE ROOM,
AUSTIN, February 15, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Agriculture, In-

surance, Statistics and History, to whom was referred

Senate bill No. 229, entitled "An act to amend article 2946 of the Revised Civil Statutes,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

SEALE,
Chairman.

Bill read first time.

By Senator Cranford:

COMMITTEE ROOM,
AUSTIN, February 16, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on State Affairs, to whom was referred

Senate bill No. 277, entitled "An act setting apart the twenty-second day of February of each year as Arbor day, and to encourage the planting of trees in this State,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

CRANFORD,
Chairman.

Bill read first time.

BILLS AND RESOLUTIONS.

By Senator Woodward:

A bill to be entitled "An act to amend title 84, chapter 10, of the Revised Civil Statutes, by adding thereto 4223a."

[Provides that when any railroad or its branches, now constructed or which may hereafter be constructed, shall pass within eight miles of a county seat, the said railroad shall be compelled to establish and maintain a general depot at the point nearest to the county seat, under the penalty of paying three hundred dollars per month for every months failure, to be recovered by suit in any court of competent jurisdiction, for the benefit of the county in which said county seat is situated.

Referred to Judiciary Committee No. 1.

The following message was received from the Governor:

EXECUTIVE OFFICE,

AUSTIN, February 16, 1889.

To the Senate of the State of Texas, in Session:

I have the honor to ask your advice

and concurrence in the appointment of the following persons to be pilot commissioners

At Galveston:

J. S. Sawyer, Chas. Fowler, G. B. Miller and Thos. H. Sweeney.

At Brazos Santiago:

Samuel Gelston, Elisha Kennedy, Fred Forto, Christian Hess and Wm. Scanlon.

At Pass Cavallo:

J. M. Bickford, J. W. Hogan, Dan Simpson, H. W. Hawes and W. H. Smith:

At Aransas Pass:

R. D. Simpson, John Hall, John Anderson, John I. Caruthers and Chas. Dean.

L. S. Ross,
Governor.

The Senate was also notified by the Governor of the appointment of the following notaries public:

ANGELINA COUNTY.

Homer—J. W. Davis.

Lufkin—W. L. Duncan.

Burke—Daniel McCall, John F. Weeks.

Pollok—J. G. McKnight.

Ora—Calvin Cochran.

Mott—W. H. Cassells.

MADISON COUNTY.

Madisonville—J. F. Randolph, M. G. Randolph, A. S. Burnett.

Willow Hole—G. T. Daniel.

Searcy—John Vernon.

AUSTIN COUNTY.

Industry—Max Melasner.

Sealy—Jas. J. Walker.

J. B. Melon, E. R. Thomas, J. E. Thompson, Thos. Sutton, Wm. Vierck.

WASHINGTON COUNTY.

Thos. B. Botts, Herman Knittel, jr.

BEXAR COUNTY.

San Antonio—Reagan Houston.

CHEROKEE COUNTY.

Rusk—N. Jernagan.

DALLAS COUNTY.

Dallas—T. W. Jask, L. M. Ferguson, Joseph M. Dickson, Joseph J.

Ekford, Victor H. Hexter, R. H. Hanna, John Bookhout, Thomas J. Jones, W. A. Kemp, L. R. Bergeron, S. L. French, W. N. Coombes, J. M. Dixon, J. D. Fouraker, C. J. Grant, M. G. Stirman, H. B. Strange, F. W. Angel, John M. Avery, L. H. Hopkins, John Hardie, George L. Fearn, Charles S. Swindells, R. H. Capers, Joseph W. Moore, Wendel Spence, Chapman Bradford, R. C. Ayers, F. L. Randale, Henry Boll, W. P. Porter, D. A. Eldridge, E. J. Archinard, Fred Hoya, Jeff N. Miller, J. G. W. Piereson, Paul Farst, C. F. Alterman, J. W. Walden, L. M. Dabney, J. E. Labatt, Frank Powell, W. C. Kimbrough, S. P. Morris, O. S. Kennedy, R. E. Bumpas, T. J. A. Brown, M. Trice, R. H. West, J. T. Tooley, C. F. Bolanz, Frank Fields, A. B. George, J. D. Thomas, J. C. Patton, R. R. Miers, H. C. Burlew, C. F. Tucker, J. R. Blewett, S. H. McBride, J. S. Alderhoff, Kenneth Forcee, H. L. Obenchain, J. M. Skelton, T. J. Murnane, H. P. Lawther, M. L. Dye, W. M. Minyard, W. L. Hall, M. L. Robertson, A. C. Ardrey, F. M. Crucher, G. W. Crucher, G. C. Cole, W. M. Edwards, John P. Gillespie, H. I. Phillips, John W. George, W. M. Crow, F. W. Norris, W. E. Parry, Owen D. Burnette, D. Edward Gree, W. J. Maroney, Curtis P. Smith, E. S. Lauderdale, H. E. Bradford, Z. T. White, D. A. Robinson, Thos. Scurry, W. T. Strange, Thos. Willingham, James B. Simpson, S. S. Long, D. L. Richardson, E. H. Haas, W. M. Freeman, H. W. Jones, E. E. Gibson, W. E. Hawkins, John Bacon, John B. Oldham, Phil B. Miller, C. W. Hartup, Y. B. Dowell, J. T. Downs, E. M. Beckwith, John Fowler, T. L. Lawhorn, W. S. Wheatley, B. E. L. Knight, W. C. McKamy, P. A. Sidell, L. H. Hughes, Charles I. Evans, Thomas T. Holloway, J. H. Mead, W. J. Parnell, S. W. Goldberg, M. C. Cullen, S. L. French, Edward Gray, J. R. Oeland, E. G. Rust, J. H. Taylor, George H. Plowman, Lafayette Fitzhugh, C. W. Boyer, J. M. McCoy, W. M. Lee, R. T. Skiles, W. L. McDonald, J. E. Julian, W. L. Vaughn, W. W. Manning, John S. Corley, Warwick Whilldin, Henry J. Frees, R. C. Porter, Charles P. Whiteman, R. J. Williams.

Wilmer—C. H. Patrick, W. A. Orr, J. W. Baskin.

Lancaster—Albert S. Taylor, J. H. Swindells, Howe Y. Peyton.

Grand Prairie—S. H. Grantham, George Roberson, J. J. Collins.

Hutchins—S. J. Ayers.

Mesquite—Calhoun Knox, J. C. Rugel, S. K. Lewis, J. M. Talley.
 Scyene—W. B. Ferguson.
 Garland—T. F. Nash, J. D. Alexander, J. S. Strother.
 Rylie—J. H. Cox.
 De Soto—J. E. Turner.
 Seagoville—T. A. Andrews.
 Carrollton—W. T. McKamy.
 Farmers Branch—S. H. Gilbert, J. H. Longmire, J. R. West.
 Cedar Hill—R. A. Robersts.
 Duncanville—R. N. Daniel.
 Sowers Store—J. P. Slocum.
 Richardson—A. R. White.
 Pleasant Valley—H. R. Numan.
 Lison—N. O. McAdams.
 Housley—L. Housley.
 Kleberg—J. O. Prewitt.

EL PASO COUNTY.

El Paso—Geo. B. Loving, N. B. Benay.

FANNIN COUNTY.

Bonham—Frank Brazelton.

GRIMES COUNTY.

Bedeas—J. T. McDonald, C. B. Nichols.

Darby—Felix McGee.
 Navasota—J. L. Dickson, B. M. Norman, Rufus Grimes, Pinckney Hawkins, J. H. Freeman, C. L. Kellar, J. M. Shaw.

Anderson—A. M. Campbell, A. F. Bregance, J. G. McDonald, J. R. Lindley, B. B. Throop, W. W. Meacham.
 Kuth—W. P. Trant.

Whitechapel—Geo. E. White.
 Iola—J. W. Adkins, L. W. D. Omer.

Constancy—L. M. Bragg.
 Roans Prairie—J. A. Skelton,
 Pantersville—P. G. Meacham.

FANNIN COUNTY.

P. C. Thurmond.

TARRANT COUNTY.

Fort Worth—F. M. Brantly, R. H. Orr, Thomas Slack, Joseph C. Terrell, jr., Irby Dunklin, R. W. Cannon, James Harrison, John F. Zinn.

Birdville—J. W. Putman.
 Eulis—John Blessing.

HOUSTON COUNTY.

Lovelady—W. M. Franan, D. C. Carter.

Grapeland—R. M. Garrell.

Crockett—J. E. Downes, A. C. Aldrich, E. Wenfra, B. F. Duran.
 Augusta—John Kennedy.
 Weldon—S. C. Carinis.
 Porter's Springs—T. J. Predgren.

HARRIS COUNTY.

Houston—W. H. McBride, W. E. Hutford, Charles Culmore, M. Kirlicks, Chas. E. Lawyer, Geo. H. Pen-darvis.

HARRISON COUNTY.

Marshall—B. W. Long, W. L. Thomas, Charles F. Chevaillier, James W. Pope, James H. Carter, F. J. Bailey, Marys Haggard, John B. Carter, C. H. McGill, D. S. Hawley, R. P. Littlejohn, W. L. Martin, W. P. Lambert, O. Hendrick, A. G. Adams, S. T. Scott, A. C. Littlejohn, W. G. Rudd, J. M. Case, A. F. McAllister, J. G. McCown, T. H. Langley, H. C. Gray.
 Woodlawn—H. L. Berry.
 Hallville—T. S. Buchanan, C. C. Collins.

Blocker—A. B. Blocker.
 Equality—Charles H. Phillips.
 Elysian—J. T. Strange, W. J. Owens.

Waskom—J. M. Furrh.
 Scottsville—R. R. Scott.
 Jonesville—F. C. Jefferson.

LAMPASAS COUNTY.

Townsend Mills—J. O. Littlefield.

M'CULLOCH COUNTY.

Brady City—W. F. Roberts.

RUNNELS COUNTY.

Bellinger—G. W. Perriman.

SAN SABA COUNTY.

San Saba—J. E. Verno.
 Cherokee—Joe Frazier Brown, D. S. Hanna.

TARRANT COUNTY.

Fort Worth—Frank H. Harple, J. S. Owsley.

WALKER COUNTY.

Huntsville—L. E. Ball.

WISE COUNTY.

Decatur—Arthur A. Soward.

WILBARGER COUNTY.

R. B. Gant.

On motion of Senator Sims, Senate bill No. 78, a bill to be entitled "An act to amend article 278, title 18, chapter 1, of the Revised Civil Statutes of the State of Texas, so as to prohibit railroad companies and all other common carriers of goods, wares, merchandise and live stock for hire, and their connecting lines within this State from limiting or restricting in any manner their liability as it exists, at common law,"

Was made the second special order for next Monday.

On motion of Senator Abercrombie, Senate bill No. 173, a bill to be entitled "An act to amend section 4 of an act to establish and maintain a system of public free schools for the State of Texas, and to repeal so much of chapter 3, of title 78, of the Revised Civil Statutes of Texas, as refer to public free schools outside of incorporated cities and towns, assuming or having assumed control of their public free schools, and all laws and parts of laws in conflict with this act, passed by the Senate, January 30, 1884, and the House of Representatives, February 4, 1884, and presented to the Governor for his approval, February 6, 1884, and which was not signed by him nor returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and therefore became a law without his signature," was taken up out of its regular order and read the second time, with a favorable committee report.

Senators Abercrombie, Maetze and Lane explained the object of the bill, and it was ordered engrossed.

On motion of Senator Abercrombie, The constitutional rule was suspended to place the bill on its third reading and final passage by the following vote:

YEAS—25.

Abercrombie,	Kimbrough,
Armistead,	Lane,
Burges,	Maetze,
Burney,	Morris,
Claiborne,	Pope,
Cranford,	Seale,
Davis,	Simpkins,
Field,	Sims,
Frank,	Stephens,
Glasscock,	Townsend,
Harrison,	Tyler,
Ingram,	Woodward,
Johnson,	

NAYS—None.

The bill was read the third time and passed by the following vote:

YEAS—21.

Abercrombie,	Lane,
Armistead,	Maetze,
Burges,	Morris,
Burney,	Pope,
Claiborne,	Seale,
Davis,	Simpkins,
Field,	Sims,
Frank,	Townsend,
Harrison,	Tyler,
Ingram,	Woodward,
Kimbrough,	

NAYS—4.

Cranford,	Johnson,
Glasscock,	Stephens,

On motion of Senator Kimbrough, Senate bill No. 259, a bill to be entitled "An act to incorporate the city of Dallas, and to grant it a new charter," was taken up out of its regular order and read the second time with a favorable committee report.

Senator Kimbrough offered the following amendments:

AMENDMENTS.

Insert "9" after the word "section" in section 9.

Amend section 9 by adding thereto the words "provided, that two aldermen may be elected from the Eighth and Ninth wards."

After the word "regulate" in line 5, section 14, insert the word "their" in place of "thein."

To the word "officer" in line 8, section 18, add the letter "s."

Strike out section 24 and number other sections in conformity to this amendment.

After the word "time" in line 6, section 25, insert the words "to time."

Strike out "of" in line 14, section 25, and insert the word "or," and add "s" to the word "obligation" in same line.

In line 4, section 26, insert the word "is" before the word "hereby," and strike it out after the word "hereby."

In line 9, section 26, after the word "under" insert the word "the" in place of the word "any."

After the word "court" in line 2, section 27, strike out the words "for violation of the city ordinances or."

In line 11, section 28, before the word "tate," insert the letter "S."

In line 8, section 35, strike out the

word "keep," and insert the word "keep," in lieu thereof, before the word "acurate."

In line 3, section 40, strike out letter "y" at beginning of line, and insert in lieu thereof, letter "p."

In line 3, section 44, strike out the word "ctse," and insert the word "case" after the word "in."

In line 20, section 45, insert the word "shall" for the word "should."

In line 8, section 46, after word "qualified," write the words, "the yeas and nays being called and recorded."

In line 3, section 52, in the word "purdoses," strike out the letter "d" and insert the letter "p."

In line 1, section 60, insert the word "change" for the word "charge."

In line 5, section 64, insert the word "and" after the word "incurred," in place of the word "any."

In line 1, section 69, strike out letter "r" in word "placers."

In line 8, section 76, strike out word "their."

In line 3, section 82, add the word "and" after after the word "eat."

In line 1, section 95, strike out the words "and prohibit," and insert the word "and" after "control."

Add to section 101 the words "provided no occupation tax shall be levied against any laborer, as such, or any clerk, accountant, bookkeeper or other person working at his trade as a journeyman."

In line 1, section 112, insert the word "all," for the word "old."

In line 1, section 115, insert the word "of," after the word "running."

In line 4, section 115, strike out "road" from the word "railroad."

In line 8, section 117, after the word "line," insert the words "of roads."

In line 1, section 119, strike out letter "v" in word "council," and insert letter "u," and insert the word "shall" after the word "council," and strike out the word "to" before the word "have."

In line 5, section 120, strike out the word "ten" and insert the word "seven."

In line 2, section 121, insert the word "general" before the word "revenues" and strike out the words "emanating from whatever source."

In section 128, strike out the word "trade" or "trades" wherever it occurs.

Add to section 130 the words "for local improvements."

In line 4, section 138 insert the word "otherwise" before the word "any" and strike out word "otherwise."

Before section 155 insert words "street improvements" and strike out words "street superintendent."

In line 6, section 155, after the word "streets" insert the words "and sidewalks."

In line 5, section 157, after the word "collection" insert the words "but not including the grading."

In line 8, section 159 insert the word "board" for "broad."

In line 55, section 159, strike out the word "to."

In line 3, section 162, strike out the word "annually."

Amend section 2, line 7, by striking out the word "center" and insert in lieu thereof the words "northeast line of the right-of-way."

Amend line 9 by striking out the word "center" and insert "right-of-way."

In line 3, section 183, strike out the word "three" and insert "ten."

Amend section 1, lines 16 and 17, and strike out the words "center" where they occur and insert in lieu thereof the words "right-of-way."

In line 2, section 170, after the first word "be" strike out word "liable" and insert word "liable."

In line 2, section 183, strike out the word "two" before "days" and insert the word "five."

In line 2, section 189, strike out the word "not" after the word "shall," and in line 3, section 189, insert the word "not" after the word "shall."

Strike out section 196, and number the other sections in conformity thereto.

Amend section 10 by adding the words "chief of police" at the end of the section.

Amend section 3, by striking out the words "and in case East Dallas is added," in lines 14 and 15.

Amend in line 8, section 25, by inserting after the word "power" the words "by the advice and consent of the council."

Amend by striking out the words "or condemnation," in line 6, section 78.

Amend by striking out the word "condemnation," in line 3, section 116.

Amend section 20 by striking out word "and" before the word "city," and insert after the word "judge" the words "and chief of police," in line 5.

Amend section 185 by adding thereto the following: "All sub-contractors, materialmen, mechanics and laborers upon any public works of the city of Dallas are hereby required to notify the city of all claims they may have,

on account of such works, against said city, and when such notice has been given, the city shall retain an amount from any funds due the contractor, sufficient to satisfy all such claims; provided, that such notice may be given at any time after such indebtedness becomes due, and before final settlement; and provided further, that no contractor or sub-contractor shall issue any time checks on any public works of said city.

Amend by adding section 197, as follows:

Section 197. Whereas, The municipal election of the city of Dallas will be held early in the month of April next; and whereas, it is desirable that said election should be held under this charter, therefore an emergency and an imperative public necessity exists requiring the constitutional rule which requires bills to be read on three several days be suspended, and said rule is so suspended, and this act take effect and be in force from and after its passage, and it is so enacted.

The amendments were adopted and The bill was ordered engrossed.

On motion of Senator Kimbrough, The constitutional rule was suspended to place the bill on its third reading and final passage by the following vote:

YEAS—25.

Abercrombie,	Kimbrough,
Armistead,	Lane,
Burges,	Maetze,
Burney,	Morris,
Claiborne,	Pope,
Cranford,	Seale,
Davis,	Simkins,
Field,	Sims,
Frank,	Stephens,
Glasscock,	Townsend,
Harrison,	Tyler,
Ingram,	Woodward.
Johnson,	

NAYS—None.

The bill was read the third time and

Passed by the following vote:

YEAS—25.

Abercrombie,	Field,
Armistead,	Frank,
Burges,	Glasscock,
Burney,	Harrison,
Claiborne,	Ingram,
Cranford,	Johnson,
Davis,	Kimbrough,

Lane,
Maetze,
Morris,
Pope,
Seale,
Simkins,

Sims,
Stephens,
Townsend,
Tyler,
Woodward.

NAYS—None.

On motion of Senator Frank the regular order of business was suspended and

Senate bill No. 62, a bill to be entitled "An act to amend sections 1, 5 and 15 of an act entitled an act to create a commission of arbitrator and award, and define the power and duties thereof, and to make an appropriation to pay the salaries of the judges thereof," approved March 30, 1887,

Was taken up out of its order and read the second time.

Senator Frank moved to

Amend section 5, line 38, between the words "selves" and "shall" by inserting the following: "Shall be entitled to notice and."

Senator Townsend offered the following substitute for the amendment:

Amend section 5 by striking out all after the word "court" in line 39, down to and including the word "thereon" in line 44, also the amendment pending.

Senator Townsend spoke in favor of his substitute.

Senators Field, Sims, Frank and Simkins opposed it.

The substitute was lost, and Senator Frank's amendment was adopted.

The bill as amended was ordered engrossed.

On motion of Senator Frank,

The constitutional rule was suspended to place the bill on its third reading and final passage by the following vote:

YEAS—25.

Abercrombie,	Kimbrough,
Armistead,	Lane,
Burges,	Maetze,
Burney,	Morris,
Claiborne,	Pope,
Cranford,	Seale,
Davis,	Simkins,
Field,	Sims,
Frank,	Stephens,
Glasscock,	Townsend,
Harrison,	Tyler,
Ingram,	Woodward.
Johnson,	

NAYS—None.

The bill was read the third time and passed by the following vote:

YEAS—25.

Abercrombie,	Kimbrough,
Armistead,	Lane,
Burges,	Maetze,
Burney,	Morris,
Claiborne,	Pope,
Cranford,	Seale.
Davis,	Simkins,
Field,	Sims,
Frank,	Stephens,
Glasscock,	Townsend,
Harrison,	Tyler,
Ingram,	Woodward.
Johnson,	

NAYS—None.

Senator Stephens entered a motion to reconsider the vote by which the Senate ordered engrossed

Senate bill No. 255, a bill to be entitled "An act to prevent the opening up of public roads across lands owned and used, or for actual use by State educational, eleemosynary or other public State institutions without the consent of the State, and to close the roads heretofore opened across such grounds whenever the State deems it necessary."

On motion of Senator Armistead, Senate bill No. 157, a bill to be entitled "An act to amend sections 5 and 6, chapter 105, of an act to create a bureau of agriculture for the State of Texas, and attach it to the department of Insurance, Statistics and History, approved April 1, 1887," was taken up out of its regular order and read the second time, with a committee amendment.

(Senator Maetze in the chair.)

Senator Stephens moved to

Amend the committee amendment by striking out "ten" and insert "seven and one-half" in lieu thereof.

Senator Lane offered the following substitute for the amendment to the committee amendment:

Amend by striking out "12 1-2" and insert "25."

(The President in the chair.)

Senator Lane spoke in favor of his amendment.

Senators Claiborne, Simkins and Armistead opposed it.

Senator Armistead moved to table the amendments offered by Senators Stephens and Lane.

Adopted.

The committee amendment was adopted.

Senator Armistead offered the following amendment:

Strike out "and" in line 24, page 2, and insert "or."

Adopted.

Senator Tyler moved to reconsider the vote just taken.

Adopted.

Senator Armistead withdrew his amendment.

Senator Woodward moved to substitute Senate bill No. 243 for the bill under consideration.

The President held that the friends of Senate bill No. 157 had a right to amend before the motion to substitute was put, and

Senator Johnson moved to

Amend by striking out "visited and" in line 24.

Adopted.

Senator Lane offered the following proviso:

Provided, that when the report of the commissioner is printed he shall furnish to the county judges of each county, for distribution, such a number of copies as is equal to half of the number of assessments taken in their respective counties.

Senator Lane spoke in favor of his amendment and Senator Claiborne opposed it.

On motion of Senator Kimbrough

The amendment offered by Senator Lane was tabled.

On motion of Senator Claiborne

The substitute offered by Senator Woodward was laid on the table, and the bill was ordered engrossed.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
AUSTIN, February 16, 1889.

Hon. T. B. Wheeler, President of the Senate:

SIR—The House has passed

Substitute for House bills Nos. 9, 117, 136, 192 and 313, a bill to be entitled "An act to define trusts and to provide for penalties and punishment of corporations, persons, firms and associations of persons connected with them, and to promote free competition in the State of Texas,"

Under a suspension of the constitutional rule and by a two-third vote, there being yeas, 86; nays, none.

Also

House bill No. 36, a bill to be entitled "An act to amend section 46, chapter 25, of the acts of 1885, entitled an act to amend chapter 79 of the acts of 1883, entitled an act to amend chapter 48 of the acts of 1887, an act to amend section 46 of an act to encourage stock-raising and to protect stockraisers, ap-

proved April 22, 1879, and amended April 4, 1881, and April 12, 1883, and March 4, 1887."

Has passed the House under a suspension of the constitutional rule by a two-thirds vote, there being yeas, 87; nays, 3.

W. M. IMBODEN,
Chief Clerk of the House.

The President gave notice of signing, and did sign in open session of the Senate,

Substitute House bill No. 15, a bill to be entitled "An act to amend article 486 of the Revised Civil Statutes of the State of Texas."

On motion of Senator Townsend, the regular order of business was suspended and

Senate bill No. 53, a bill to be entitled "An act to amend an act entitled an act to provide for the venue of suits for damages growing out of attachments and sequestration suits approved March 25, 1887,"

Was taken up out its regular order by the following vote:

YEAS—24.

Abercrombie,	Johnson,
Armistead,	Kimbrough,
Burges,	Lane,
Burney,	Maetze,
Claiborne,	Morris,
Cranford,	Pope,
Davis,	Seale,
Field,	Simkins,
Frank,	Stephens,
Glasscock,	Townsend,
Harrison,	Tyler,
Ingram,	Woodward.

NAYS—None.

ABSENT—1.

Sims.

The bill was read the second time and ordered engrossed.

Senate substitute for House bill No. 33, a bill to be entitled "An act to add articles 689 and 689a to chapter 3, title 17, of the Penal Code of the State of Texas,"

Was taken up,

Read third time and passed.

On motion of Senator Lane,

Senate bill No. 202, a bill to be entitled "An act to punish persons in this State who wilfully, wrongfully and fraudulently avoid the payment of taxes on personal property, subject to taxation, by concealing the ownership of same from the proper tax assessor, or by removing the same out of the State for that purpose,"

Was taken up out of its regular order.

The bill was laid before the Senate and read the second time with a favorable committee report.

Senator Glasscock moved to

Amend by striking out all after the word "dollars," in line 13.

Senator Stephens offered the following amendment to the amendment:

Amend amendment by striking out all the language after the word "year" in line 15.

Senator Stephens' amendment to the amendment was lost and

The amendment offered by Senator Glasscock was lost, and

The Senate refused to engross the bill by the following vote:

YEAS—7.

Abercrombie,	Lane,
Burney,	Townsend,
Claiborne,	Woodward.
Frank,	

NAYS—18.

Armistead,	Kimbrough,
Burges,	Maetze,
Cranford,	Morris,
Davis,	Pope,
Field,	Seale,
Glasscock,	Simkins,
Harrison,	Sims,
Ingram,	Stephens,
Johnson,	Tyler,

The President received and submitted to the Senate the following communication:

CAPITOL FURNISHING BOARD,
AUSTIN, February 13, 1889.

Hon. T. B. Wheeler, President of the Senate:

SIR—I am instructed by the Capitol Furnishing Board to inform you that the carpeting for the Senate has arrived, and that the workmen are ready to commence putting it down as soon as the Senate Chamber is vacated. The time required to lay the carpeting and arrange the furniture in the two houses will be four days, exclusive of Sunday.

I am very respectfully,

RHOADS FISHER,
Secretary.

Senator Johnson offered the following concurrent resolution:

Resolved by the Senate, the House concurring, That a committee of three from the Senate and a like number

from the House be appointed by the President and Speaker respectively, to visit and investigate the condition of the quarantine station at Galveston, and to inquire into the manner in which the same is conducted, and to report to the Legislature the condition and efficiency thereof, and to make any recommendations in regard thereto as they may deem best; the actual expenses of said committee to be paid out of the contingent expense fund.

Senator Frank moved to Amend the resolution so as to include Corpus Christi, Brownsville, Aransas Pass, Sabine Pass, Orange, Beaumont, Marshall, Jefferson, Texarkana and El Paso.

Senator Maetze sent up the following resolution:

WHEREAS, The officers and managers of the Seventeenth Biennial Saengerfest of Texas have petitioned the honorable Senate of Texas to grant the use of the Senate Chamber on the twenty-third and twenty-fourth days of April, 1889, for the purpose of giving two grand vocal and instrumental concerts; therefore be it

Resolved by the Senate of Texas, That the Superintendent of Public Buildings and Grounds is hereby directed to place the Senate Chamber at the disposal of the officers and managers of the Seventeenth Biennial Saengerfest on the twenty-third and twenty-fourth days of April, 1889.

Senator Pope made the point of order that a resolution was pending before the Senate, and that therefore

Senator Maetze's resolution was out of order.

The point of order was sustained.

Senator Johnson moved to table the amendment, offered by Senator Frank, to his concurrent resolution.

Adopted.

Senator Frank moved to adjourn till 10 o'clock next Tuesday morning.

Lost.

Senator Frank moved to adjourn till 10 o'clock to-morrow morning.

Lost by the following vote:

YEAS—4.

Abercrombie,	Frank,
Field,	Glasscock.

NAYS—20.

Armistead,	Claiborne,
Burges,	Cranford,
Burney,	Davis,

Harrison,
Ingram,
Johnson,
Kimbrough,
Maetze,
Morris,
Pope,

Seale,
Simkins,
Sims,
Stephens,
Townsend,
Tyler,
Woodward.

ABSENT—1.

Lane.

Senator Johnson moved the previous question on his resolution.

Secounded.

And the main question was ordered.

The concurrent resolution was adopted.

The President referred

House bill No. 31 to the Committee on Stock and Stockraising, and

Substitute for House bills Nos. 9, 117, 136, 192 and 313 to the Committee on Internal Improvements.

Senator Stephens entered a motion to reconsider the vote by which the Senate refused to engross

Senate bill No. 202, a bill to be entitled "An act to punish persons in this State who wilfully, wrongfully and fraudulently avoid the payment of taxes on personal property subject to taxation by concealing the ownership of same from the proper tax assessor or by removing the same out of the State for that purpose."

Senator Frank made a motion that the presiding officer appoint the committee, provided for in Senator Johnson's concurrent resolution, next Wednesday.

Senator Kimbrough moved to lay the motion on the table.

Adopted by the following vote:

YEAS—15.

Armistead,	Maetze,
Burges,	Morris,
Claiborne,	Pone,
Cranford,	Seale,
Davis,	Sims,
Ingram,	Tyler,
Johnson,	Woodward.
Kimbrough,	

NAYS—9.

Abercrombie,	Harrison,
Burney,	Simkins,
Field,	Stephens,
Frank,	Townsend.
Glasscock,	

ABSENT—1.

Lane.

Senator Burges moved to adopt Senator Maetze's resolution.

Senator Townsend opposed the adoption of the resolution and Senator Burges favored it.

The resolution was adopted by the following vote:

YEAS—14.

Abercromble,	Maetze,
Armistead,	Morris,
Burges,	Pope,
Field,	Seale,
Glasscock,	Sims,
Harrison,	Tyler,
Johnson,	Woodward.

NAYS—10.

Burney,	Ingram,
Claiborne,	Kimbrough,
Cranford,	Simkins,
Davis,	Stephens,
Frank,	Townsend.

ABSENT—1.

Lane.

On motion of Senator Kimbrough,
The Senate adjourned until ten
o'clock next Tuesday morning.

RULE 55 OF THE SENATE.

After a question shall have been decided either in the affirmative or negative, any member voting with the prevailing side may on the same day in which the vote was taken, or within the next succeeding day of actual session, move the reconsideration thereof.

When a bill, resolution, report, amendment, order or message upon which the vote was taken shall have gone out of the possession of the Senate and been communicated to the House of Representatives, the motion to reconsider shall be accompanied by a motion to request the House to return the same, which last motion shall be acted upon and if determined in the negative shall be a final disposition of the motion to reconsider.

THIRTY-FOURTH DAY.

SENATE CHAMBER,
AUSTIN, February 19, 1889.

Senate met pursuant to adjournment.

Lieutenant-Governor Wheeler in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain, Dr. Smoot.

On motion of Senator Burney,

The reading of the Journal of Saturday was dispensed with.

PETITIONS AND MEMORIALS.

By Senator Jarvis:

Petition from citizens of Fort Worth, in favor of the dental bill.

Referred to Committee on State Affairs.

By Senator Kimbrough:

Petition from dentists of the city of Dallas on the same subject.

Referred to Committee on State Affairs.

By Senator McDonald:

Petition of dentists and physicians of Fannin county on same subject.

Referred to Committee on State Affairs.

By Senator Claiborne:

Petition of dentists and physicians of Galveston on same subject.

Referred to Committee on State Affairs.

By Senator Ingram:

Petition of citizens of San Augustine county, asking repeal of occupation tax.

Referred to Committee on Finance.

By Senator Kimbrough:

Petition from merchants and citizens of Forney, Kaufman county, in opposition to a railroad commission.

Referred to Committee on Internal Improvements.

By Senator Abercrombie:

Petitions of business firms and citizens of Houston, in opposition to the railroad commission bill.

Referred to Committee on State Affairs.

By Senator Burney:

Two petitions from citizens of the proposed new county of Coke opposing the creation of said county.

Ordered to be considered with House bill No. 138.

By Senator Ingram:

Petition of citizens of San Augustine county asking increase of pension to Col. Alexander Horton.

Referred to Committee on State Affairs.

By Senator Frank:

Petition of thirty-nine citizens of